

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

KENNETH BOLLING,

Plaintiff,

v.

CITY OF MONTGOMERY,

Defendant.

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CASE NO. 2:19-CV-00244-RAH-SRW

**PLAINTIFF’S RESPONSE TO DEFENDANT’S OBJECTIONS
TO PLAINTIFF’S WITNESS LIST**

COMES NOW the Plaintiff, Kenneth Bolling (hereinafter referred to as “Bolling” or “Plaintiff”), by and through his undersigned attorneys, and pursuant to this Court’s Scheduling Order (Doc 58), files the following Response to Defendant’s Objections to Plaintiff’s Witness List:

The Defendant objects to the following witnesses asserting each was not identified earlier by the Plaintiff: Witnesses 9, 10, 21, 22, and Witnesses 13 through 17.

Plaintiff asserts each of the witnesses listed above is known to the Defendant as each is a present or former employee of the Defendant, City of Montgomery, and with first-hand knowledge of the facts asserted in Plaintiff’s Complaint, including Plaintiff’s “constructive discharge” and resulting damages.

Witness 9, Martha Earnhardt was employed by the City as the assistant to the Director of Public Safety, Ronald Sams. Martha Earnhardt and her knowledge and information was addressed by counsel and by Director Ronald Sams at his deposition on December 11, 2019.

The testimony of **witnesses 10, 13-17, and 21 and 22** (present or former employees of the City) will be offered in support of Mr. Bolling’s claim of “constructive discharge” by the City. As present and former employees of the City, the City and counsel have had access to, and the

opportunity to interview, each City employee and witness now objected to. The City will not suffer hardship or undue prejudice by the testimony of its own employees at trial.

In addition, each witness objected to by the City is also named by the Plaintiff for the purpose of authentication, rebuttal and/or impeachment as allowed by Federal rule. Plaintiff reserves the right to amend this list of witnesses as necessary.

Respectfully submitted,

/s/ K. David Sawyer

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Counsel for Plaintiff, Kenneth Bolling

CERTIFICATE OF SERVICE

I certify that I have electronically served Plaintiff's Response to Defendant's Objection to Plaintiff's Witnesses on this 25th day of January, 2021, on the following:

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